

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JEFFREY GRAY**

**PLAINTIFF**

**v.**

**Case 2:24-cv-00154-HSO-BWR**

**CITY OF HATTIESBURG, MARVIN ROSS, JR.,  
and HARRY CROCKETT, in their individual and official  
capacities**

**DEFENDANTS**

**PLAINTIFF’S OPPOSITION TO DEFENDANTS’ MOTION TO DISMISS**

COMES NOW the Plaintiff, Jeffrey Gray, in opposition to Defendants’ Motion to Dismiss, stating as follows:

1. The Motion to Dismiss improperly disparages Gray and includes “Facts” not properly before the Court. The Court should exclude the matters outside the pleadings, or treat the motion to dismiss as a motion for summary judgment under Rule 56. See FED. R. CIV. P. 12(d). Furthermore, the Court should strike the disparagement of Gray under Rule 12(f).
2. The Complaint plausibly states a claim for relief with all well-pled factual allegations accepted as true and correct and viewed in the light most favorable to the plaintiff. The factual allegations lead to a plausible conclusion that the conduct constitutes an official policy or practice through authorization and ratification of the violations. In fact, the violation of Gray’s rights have not terminated but are ongoing as the express act of the City.
3. Defendants fail to appreciate that Gray’s rights were violated not just by his unlawful search and detainment, but also by the fact that Gray was threatened with arrest if he did not follow illegal commands or if he returned to the traditional public forum for

expressive activity, i.e., prior restraint. The facts, taken as true, more than establish a plausible claim that the Defendants violated a clearly established right.

WHEREFORE, the Plaintiff prays that the Defendants' Motion to Dismiss be denied. Should Defendants' motion be granted, Plaintiff prays for leave to amend pursuant to FED. R. Civ. P. 15(a)(2).

Respectfully submitted,

JEFFREY GRAY

BY: FREELAND MARTZ, PLLC

/s/ Reed Martz  
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**Certificate of Service**

I hereby certify that on October 21, 2024, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

**Robert Lane Dossett**      [lane@hicksattorneys.com](mailto:lane@hicksattorneys.com), [jenny@hicksattorneys.com](mailto:jenny@hicksattorneys.com)

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants: None.

/s/ Reed Martz